

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANTHONY TOTTEN,)	No. C 05-1675 TEH (PR)
)	No. C 05-1965 TEH (PR)
Petitioner,)	
)	ORDER DIRECTING
vs.)	RESPONDENT TO FILE
)	FURTHER ANSWER TO
A. KANE, Acting Warden,)	THE PETITION
)	
Respondent.)	
_____)	


Petitioner, a state prisoner incarcerated at the Correctional Training Facility in Soledad, California, has filed two pro se petitions for a writ of habeas corpus under 28 U.S.C. § 2254 challenging the California Board of Prison Terms' ("BPT") two most recent decisions to deny him parole. On September 27, 2005, the Court ordered Respondent to show cause as to why the petitions should not be granted. In the order, Respondent was directed to respond to the claims raised in the petition, including "[a]mong other things, petitioner claims that the decisions were arbitrary and capricious and not supported by the evidence in the record." The petition also raises additional claims. The petition is now submitted and before the Court for consideration on the merits.

However, in response to the petition, Respondent states that because the Court did not specifically direct them to respond to Petitioner's claims of systemic bias against granting parole and an equal protection claim, they did not answer these claims and that "it appears that this Court did not find [these claims]

1 cognizable[.]” While the Court did not specifically list these claims identified by
2 Respondent in the order, the claims were found cognizable. As a result,
3 Respondent’s answer to the Court’s order to show cause is incomplete.
4 Respondent shall file with the court and serve on Petitioner, within 30 days of the
5 issuance of this order, an answer conforming in all respects to Rule 5 of the Rules
6 Governing Section 2254 Cases, showing cause why a writ of habeas corpus
7 should not be issued as to those claims not addressed in Respondent’s answer.
8 Petitioner may file a traverse within 30 days of his receipt of the answer.

9
10 SO ORDERED.

11 DATED: 07/03/07



THELTON E. HENDERSON
United States District Judge